

Remarks

This Response is provided in response to a non-final Office Action mailed May 17, 2004. The Office Action rejected claims 1-2, 4-8, and 10-12 under 35 U.S.C. §102(b) as being anticipated by prior art, and further rejected claims 3 and 9 under 35 U.S.C. §103(a) as being unpatentable over prior art.

The Applicant has amended claims 1 and 4-12 to more particularly point out and distinctly claim the subject which the Applicant regards as his invention. The Applicant has further added new independent claim 13, drafted under the provisions of 35 U.S.C. §122, paragraph 6. Support for new claim 13 is found by reference to FIGS. 10-12 and the description of FIGS. 10-12 beginning on line 14 of page 18 and continuing through line 19 of page 25.

The hereinabove amendments are believed to be proper and serve to place the application in proper condition for reconsideration and allowance.

Rejection of Claims Under 35 U.S.C. §102(b)

The Office Action rejected claims 1-2, 4-8, and 10-12 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,151,632 issued to Navin Chaddha et al., November 21, 2000 (Chaddha '632).

The Applicant respectfully traverses the foregoing rejection and submits that the claimed invention as amended is, under 35 U.S.C. §102(b), patentable over Chaddha '632, because every element of the claimed invention is not identically shown in Chaddha '632. "For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be identically shown in a single reference." See, *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990), quoting *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988).

Claims 1-6

Regarding claims 1-6, Chaddha '632 fails to show the first element of claim 1, i.e., "a data distributor, adapted to receive *non-compressed multimedia data* from a data source and deliver said *non-compressed multimedia data to at least one edge server directly serving at least one user* in said distributed data delivery network."

Chaddha '632 shows "In FIG. 2, a computer network 200 is shown that provides a source 202 for capturing real-time video. The video is provided to an encoding server 204 that encodes the real-time video into a number of different bandwidth points, and associated indexes, as mentioned above. The bandwidth points and indexes are combined into a video file for delivery to a primary server 206." (See FIG. 2 and col. 5, lines 44-51 describing FIG. 3).

Chaddha '632 further shows "...a computer network 300 that contains a source 302 for recording video, and an encoding server 304 for encoding the video into a number of different bandwidth points, and associated indexes, as described above. In one embodiment, the encoding server is referred to as the LiveStation 304. ... The LiveStation 304 provides the video file, containing the bandwidth points and indexes, in parallel TCP/IP sessions, to a server 320 referred to as a Recaster server." (See FIG. 3 and col. 6, lines 29-40 describing FIG. 3).

Chaddha '632 particularly fails to show delivery of non-compressed multimedia data to at least one edge server directly serving at least one user. Chaddha '632 shows only encoded multimedia data, i.e., compressed multimedia data, being delivered to clients. (See the Abstract on page 1.)

Because Chaddha '632 fails to identically show each element of the invention claimed by claim 1, the Examiner fails to provide a *prima facie* showing of anticipation under 35 U.S.C. §102(b) of claim 1. Accordingly, the Applicant requests withdrawal of the rejection of claim 1; the withdrawal of the rejections of claims 2-6 depending from claim 1; and passage of claims 1-6 to allowance.

Claims 7-12

Regarding claims 7-12, Chaddha '632 fails to show the first element of claim 7, i.e., "receiving non-compressed multimedia data from a data source and *delivering said non-compressed multimedia data to at least one edge server directly serving at least one user* in said distributed data delivery network." In particular, Chaddha '632 fails to show delivering said non-compressed multimedia data to at least one edge server

directly serving at least one user. Chaddha '632 shows only delivery of encoded, i.e., compressed multimedia data, to clients. (See the Abstract on page 1.)

Additionally, claims 7-12 reasonably represent method claims corresponding to system claims 1-6 and incorporate limitations in common to claims 1-6, the argument provided hereinabove for the patentability of claims 1-6 apply in common to the respective method claims 7-12.

Because Chaddha '632 fails to identically show each element of the invention claimed by claim 7, the Examiner fails to provide a prima facie showing of anticipation under 35 U.S.C. §102(b) of claim 7. Accordingly, the Applicant requests withdrawal of the rejection of claim 7; the withdrawal of the rejections of claims 8-12 depending from claim 7; and passage of claims 7-12 to allowance.

Rejection of Claims Under 35 U.S.C. §103(a)

The Office Action further rejected claims 3 and 9 under 35 U.S.C. §103(a) as being unpatentable over Chaddha '632 and further in view of United States Patent No. 6,704,738 issued to Arjen P. de Vries et al., March 9, 2004 (de Vries '738). This rejection is respectfully traversed.

For the reasons given hereinabove for the patentability of claims 1-12, Chaddha '632 is deficient in teaching or suggesting either the first claim element of independent claim 1, or the first claim element of independent claim 7. de Vries '738, either alone or in combination with Chaddha '632, fails to cure the deficiencies of Chaddha '632. Because de Vries '738, alone or in combination with Chaddha '632, fails to teach or suggest the claimed invention, the Examiner fails to provide a prima facie showing of unpatentability under 35 U.S.C. §103(a) of claims 3 and 9.

Accordingly, the Applicant requests withdrawal of the rejection of claims 3 and 9; and the passage of claims 3 and 9 to allowance.

Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This Response is intended to be a complete response to the non-final Office Action mailed May 17, 2004.

Should any questions arise concerning this response, the Examiner is invited to contact the below listed Attorneys.

Respectfully submitted,

By: 

Daniel P. Dooley
USPTO Reg. No. 46,369
R. Alan Weeks
USPTO Reg. No.: 36,050
321 South Boston Ave., Suite 800
Tulsa, OK 74103-3318
Telephone No.: (918) 599-0621
Facsimile No.: (918) 583-9659
Customer No.: 22206